

## **REMARKS**

Receipt of the Office Action of October 24, 2007 is gratefully acknowledged.

The objection of claim 11 and the rejection of claims 8 – 14 as indefinite under 35 USC 112. Claims 8, 9, 11, 13 and the subject matter of claim 14 have been amended to address and overcome the objection and rejection.

The rejection of claims 8-11, 13 and 14 as anticipated under 35 USC 102(b) by Saglio, and the rejection of claim 12 under 35 USC 103(a) over Saglio in view of Erb et al. are also noted and respectfully traversed.

Regarding Saglio, it describes a method for improving improving the localization of flaws in ultrasonic testing of materials and especially in metallic welds. However our solution refers to a clamp-on flowmeter for determining the flow of a medium through a pipe. The ultrasonic transducers are damped on the outer surface of the pipe. Furthermore the flow of the medium through the pipe is measured by alternately sending out ultrasonic signals through the pipe by one transducer and receiving the signals after their passage through the pipe by the other transducer. The flow is determined by the difference of the run-times of the signals in and against the direction of the flow of the medium through the pipe. Therefore it is pretty clear that amended claim 8 refers to a solution in a field of technique which has nothing to do with the testing of metallic welds.

Also, Saglio refers to the feature that two different materials are combined in such a way that temperature disturbances can be corrected. Depending on whether the testing is performed by direct contact between the ultrasonic transducer and the material to be analysed or by immersion, the medium is either a viscoelastic material or water. The inspected part is, as already mentioned above made of metal. Furthermore it is described in column 1, line 38 that two refraction media are interposed whereby the velocity of propagation of the ultrasonic beam varies inversely as a function of temperature. According to one embodiment of the solution the wedge interposed between the ultrasonic transducer and the test- piece is constituted by at least two media in which the velocity of propagation varies in inverse ratio. According to another embodiment a wedge is interposed between the transducer and the test-piece, whereby the wedge is constituted by at least one medium in which the velocity of the ultrasonic beam varies inversely with the

immersion medium. In a third embodiment one medium is water and the other medium is a viscoelastic substance which is employed for the wedge and is preferably selected from the group comprising Araldite, Specifix and Plexiglas. When comparing the features of the amended claim 8 in total with the features known from Saglio it is very clear that Saglio does not provide any hint leading a skilled person to a flowmeter as described in amended claim 8.

From a consideration of the above, it should be clear that Saglio does not teach "all the features" of claim 8, and that Erb et al, which is cited for its teaching of using plastic, and not the structural features which Saglio does not disclose, cannot supply the missing structural features.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 8-13 be indicated as allowed.

Respectfully submitted,  
BACON & THOMAS, PLLC

Date: Feb. 25, 2008



Felix J. D'Ambrosio  
*Attorney for Applicant*

Registration Number 25,721

**Customer Number \*23364\***  
**BACON & THOMAS, PLLC**  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone: (703) 683-0500  
Facsimile: (703) 683-1080

S:\Producer\jfd\CLIENTS\Endress+Hauser Holding GmbH\WIES3003- FL0191\Prelim Amend.doc